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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,567	12/22/2003	Ian Boddy	71486-0065	1566
20915	7590	10/18/2007		
MCGARRY BAIR PC 32 Market Ave. SW SUITE 500 GRAND RAPIDS, MI 49503			EXAMINER SHAHER, RICKY D	
			ART UNIT 2872	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/707,567

Applicant(s)

BODDY ET AL.

Examiner

Ricky D. Shafer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-6, 8, 12-14 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 4, 14 and 26 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, lines 3-5, the language "the normal range of movement" lacks proper antecedent basis.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Valenzuela ('877).

To the extent the claims are definite, Valenzuela discloses a vehicular mirror system comprising a reflective element (16) comprising a first slip clutch element (28) comprising one of a ball and a socket and having a mounting portion thereon (14); an actuator assembly (44, 46, 48, 50) comprising a second slip clutch element (50) comprising the other of a ball and a socket and operably interconnected to the reflective element for controlling a tilt of the reflective element, wherein the actuator assembly is operable in a normal mode of operation, the ball and socket comprising a slip clutch; and a compression element (54) mounted around the socket having the ball cradled therein to apply a compression force on the ball for operation of the actuator assembly in a first mode and a second mode, wherein in the first mode the actuator

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assembly moves in the normal mode of operation and actuates the tilt of the reflective element (see Fig. 4 along with the associated description thereof), wherein in the second mode the actuator assembly is placed in an impeded mode of operation (see Fig. 3 along with the associated description thereof) and the ball and socket inherently allows the actuator assembly to slip, wherein the compression force is preselected to apply a sufficient frictional force between the ball and the socket to impede the rotation of the ball with respect to the socket during travel in a normal range of movement, but to slip with respect to the socket when the actuator assembly is urged beyond the normal range of travel and wherein the ball is inherently non-rotatably mounted within the socket, when in the impeded mode of operation. Note figures 1-4 along with the associated description thereof.

5. Claims 14 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher et al ('483).

To the extent the claims are definite, Fisher et al discloses a vehicular mirror system comprising a reflective element (20, 20a) comprising a first slip clutch element (30, 30a) comprising one of a ball and a socket and having a mounting portion thereon (21, 21a); an actuator assembly (10, 10a, 32, 32a, 44, 44a, 52, 52a, 70, 70a, 72, 72a) comprising a second slip clutch element (32, 32a) comprising the other of a ball and a socket and operably interconnected to the reflective element for controlling a tilt of the reflective element (note, by example only, column 2, lines 36-50 and column 3, lines 2-24), wherein the actuator assembly is operable in a normal mode of operation, the ball and socket comprising a slip clutch; and a compression element (34, 34a) mounted around the socket having the ball cradled therein to apply a compression force on the ball for operation of the actuator assembly in a first mode and a second mode, wherein in the first mode the actuator assembly moves in the normal mode of operation

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and actuates the tilt of the reflective element, and wherein in the second mode the actuator assembly is placed in an impeded mode of operation and the ball and socket inherently allows the actuator assembly to slip (note, by example only, column 6, line 48 to column 7, line 40 and column 9, line 45 to column 10, line 5), and wherein the compression force is preselected to apply a sufficient frictional force between the ball and the socket to impede the rotation of the ball with respect to the socket during travel in a normal range of movement, but to slip with respect to the socket when the actuator assembly is urged beyond the normal range of travel.

Note figures 1-17 along with the associated description thereof.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valenzuela ('877).

To the extent the claims are definite, Valenzuela discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the ball is "snap-fit" within the socket.

It is well known to use snap-fitted, ball and socket joints in the same field of endeavor for the purpose of adjusting a reflective element. Note: The cited prior art of record.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ball and socket joint of Valenzuela to include a snap-fitted,

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ball and socket joint, as commonly used and employed in the art, in order to increase the stability of the reflective element and/or to reduce vibrations.

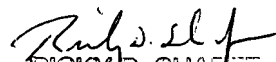
8. Claims 5, 6, 8, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDS

October 14, 2007

  
RICKY D. SHAFER  
PATENT EXAMINER  
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